

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

JASON HILLS]
Plaintiff,]
] v.] No. 1:11-0009
] JUDGE HAYNES
GILES COUNTY JAIL]
Defendant.]

O R D E R

Before the Court is a *pro se* prisoner complaint under 42 U.S.C. § 1983 (Docket Entry No.1) and an application to proceed *in forma pauperis* (Docket Entry No.2).

From the application, Plaintiff lacks sufficient financial resources from which to pay the \$350.00 filing fee. Accordingly, Plaintiff's application to proceed *in forma pauperis* is **GRANTED**. 28 U.S.C. § 1915(a).

Plaintiff is herewith **ASSESSED** the civil filing fee of \$350.00. Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the Plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment, whichever is greater of:

- (a) twenty percent (20%) of the average monthly deposits to the Plaintiff's inmate trust account; or
- (b) twenty percent (20%) of the average monthly balance in the

Plaintiff's inmate trust account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the Plaintiff's preceding monthly income (or income credited to the Plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee of three hundred fifty dollars (\$350.00) as authorized under 28 U.S.C. § 1914(a) has been paid to the Clerk of Court. 28 U.S.C. § 1915(b) (2).

For the reasons stated in the Memorandum, Plaintiff's complaint fails to state a claim for relief and under 28 U.S.C. § 1915(e)(2). This action is **DISMISSED** without prejudice to Plaintiff's underlying claim.

The Clerk is directed to send a copy of this order to the Sheriff of Giles County to ensure that the custodian of Plaintiff's inmate trust account complies with that portion of the Prison Litigation Reform Act relating to the payment of the filing fee.

Entry of this order shall constitute the judgment in this action.

It is so ORDERED.

ENTERED this the 26th day of April, 2011.



WILLIAM J. HAYNES, JR.
United States District